

# Kentucky Workers' Compensation Coverage

## *What Employees and Employers Should Know*

The Kentucky Workers' Compensation Act, Kentucky Revised Statutes Chapter 342, states that all employers doing business in Kentucky and employing one or more persons in the state, are required to have workers' compensation insurance coverage. This coverage secures benefits which may become payable as a result of a work-related injury or occupational disease.

### Who is covered by the Act?

- Any person, including the adolescent, who is employed under a contract of hire, express or implied, and all aids or assistants of employees, whether paid by the employer or the employee
- Every individual in the service of the state, county, city, or other public entity or any of its subdivisions



- Executive officer of a Corporation
- All persons working in the course of the trade, business or occupation of an employee at the time of injury
- Civil Service Personnel
- Members of the Kentucky National Guard on active duty
- Every person who is a member of a volunteer ambulance service, fire or police department shall be considered an employee of the political subdivision of the state
- Temporary help service companies are considered employers of temporary employees

## Who is not covered by the Act?

- Any person employed solely in agriculture
- Domestic servant working in a private home of an employer, who has less than two employees, each working 40 or more regularly scheduled hours per week
- Any person who would otherwise be covered but who elects not to be covered in accordance with the administrative regulations promulgated by the Commissioner and KRS 342.395
- A religious sect denying coverage due to conscientious objection to benefits of any public or private insurance
- Business owners, including Limited Liability Corporations and Partnerships are not covered unless they specifically purchase this coverage for themselves

- Individuals performing services for aid or nourishment from religious or charitable organizations
- Someone employed to do remodeling or repair work in the home of the employer for a time not to exceed 20 consecutive working days
- Independent contractors



Failure to secure workers' compensation insurance coverage subjects the uninsured employer to fines imposed by the Department of Workers' Claims. The employer is liable for benefits to the injured worker. Moreover, if you are the general contractor and you work with an uninsured subcontractor who has employees, and one of their employees is injured, you may be liable for any benefits to the injured worker.

Additional information may be obtained by contacting the Department of Workers' Claims, Ombudsman Branch, at 1-800-554-8601.

